

01318

1962/12/06

575

(21)

Department of State

CUM-53/1

TOP SECRET

CATEGORY "A"

Completely de-classified
Transferred to O/PADRO
by S/SI date 8-5-23

254N
EYES ONLY TO

FOR STEVENSON & MCCLOY : New York Negotiations

We have carefully reviewed the record of your last two conver-
sations with Kuznetsov (urtels 2105 and 2085) and the Cuban draft
declaration (urtel 2104). You are commended for particularly effective
ripostes
responses to Soviet complaints about our draft declaration and for
response which you made regarding Cuban draft.

We find little new in Kuznetsov's attitude toward our draft.

We do find Soviet position anomalous, to say the least, in complaining
about lack of evidence of US intention to ~~expedite~~ expedite
when they still procrastinating in presenting us with draft declaration
of their own. Department fully concurs in your judgment that we should
not seek any further meetings with Soviets on this subject until they
have draft to give us. From our viewpoint there can be no advantage
in pursuing question further, with Soviets continually nibbling away
at our declaration until they present concrete counter of their own.

We can only interpret presentation Cuban draft as setback to
efforts to close out this episode quickly and satisfactorily. It
consists merely of regurgitation of standard Cuban position as contained
in USSR/Cuban QTE protocol, UNQTE and various Cuban statements.

It is totally unacceptable, and we do not propose treat it as negotiating

TOP SECRET

"Declassified for Publication in
Foreign Relations of the United States"

CU-1097

TOP SECRET

document. Unless and until Cuba is prepared to accept the terms of the agreement contained in Kennedy-Khrushchev exchange of October 27 (which now seems practically impossible), we are not interested in having a Cuban declaration put before the Council which the Council would be asked to note. We have assumed that probably Cubans would make a speech to the Council members but we have not entertained idea -- and do not propose to do so -- of embarking on course of tripartite negotiations where we would be asked to seek least common denominator with Cuba and the USSR. Accordingly, in any conversations on this subject, you should dismiss Cuban draft out of hand as not being germane to our efforts to get satisfactory settlement with USSR.

Latest conversations and injection of Cuban draft confirms that we are now ~~choosing~~ reaching point where we must choose between two major options open to us for winding up the problem:

1. Continued efforts to get parallel declarations put before Security Council, where minimum stated position of each side is tolerable to the other;
2. Wind up problem by issuing unilateral government statements delineating respective positions.

First course appears increasingly more difficult, less desirable, and less likely of attainment. We do not intend to confine exposé of our position before the Security Council to a watered-down version which fails to cover basic ingredients such as our determination to continue surveillance of Cuba as long as necessary in the absence of acceptable international verification system. We fully recognize, of course, that it will be exceedingly difficult for the Soviets to swallow SC consensus which notes such a declaration. At same time, USSR seems to set considerable

TOP SECRET

"Declassified for Publication in
Foreign Relations of the United States"

CU-1098

TOP SECRET

CU III-53/4

activities, US would not proceed to invade Cuba. However, if Cuba undertook new acts of aggression, US and other American Republics could not be expected to be bound by no-invasion assurances when Cuba itself was engaged in fresh violations of its international obligations.

2. Cuba has refused on-site verification to assure that offensive weapons are removed and to safeguard against any reintroduction of such weapons. As a result, US-Soviet commitments of October 27 and 28 have not been and will not be fully carried out. In light of these facts, and considering questions which Cuban refusals raise as to intentions and reliability of Castro regime in relation to Western Hemisphere security, it is clearly ~~unreasonable~~ ^{reasonable} for the United States, in expressing its assurances against invasion to place these in their proper context, which includes both United Nations Charter and Rio Pact.

3. Cuba has prevented full implementation of US-Soviet commitments. United States in its draft declaration has included an additional element of assurance which was not contained in commitments of October 27 and 28: US draft declaration states that United States does not intend QTE to invade Cuba or support an invasion of Cuba. ~~UNQTE~~ Particularly with addition of this further assurance, Cuba cannot reasonably object to assurances against invasion being placed in context of existing treaties.

4. No objection has been made to mention of United Nations Charter in US declaration. Any declaration which did not also contain mention of Pact would be clearly incomplete. Rio Pact is basic security treaty applicable to the Western Hemisphere. Regional arrangement constituted by American Republic is given clear recognition in Chapter VIII of United Nations Charter, and drafting history of Charter shows that Inter-American System was foremost in contemplation at San

"Declassified for Publication in
Foreign Relations of the United States"

CU-1100

TOP SECRET

Francisco when Charter provisions on regional arrangements were being drafted and negotiated.

5. Point can be made with Latin Americans that it is important to continue to deal with problem of Cuba within framework of Inter-American System. Having this in mind, we would not want to make formal declaration which appeared to pass over and perhaps by implication exclude continued functioning of Inter-American machinery with respect to problems of peace and security in the Americas caused by Castro regime.

6. Kuznetsov has claimed that Rio Pact violates United Nations Charter. United States ~~CONFIDENTIAL SPECIAL SOURCE INFORMATION~~ believes the two instruments are entirely consistent. Compatibility of Inter-American collective security arrangements with United Nations Charter was considered and affirmed at San Francisco Conference. Discussion of this is contained at pages 6 and 7 of Department of State legal memorandum entitled QTE Legal Basis for the Quarantine of Cuba. UNQTE

7. Kuznetsov has specifically claimed that Rio Pact authorizes an armed response which is not in accord with Article 51 of UN Charter. Article 51, however, does not lay down any prohibitions or restrictions, but states affirmatively one situation in which armed force may be used by individual States under the United Nations Charter. Article 51 does not purport to rule out use of force in all other cases.

8. Kuznetsov further criticizes Rio Pact as authorizing use of force without approval of Security Council under Article 53. This subject is also dealt with in State Department legal memorandum, at pages 9-12. Believe this material could be provided Soviets or any others raising point.

~~TOP SECRET~~

TOP SECRET

"Declassified for Publication in
Foreign Relations of the United States"

CU-1101

TOP SECRET EYES ONLY

9. Omission of all mention of Rio Pact from formal US declaration would lend itself to contention that assurances against invasion were to be considered absolute and without any relationship to ~~relevant~~ relevant regional security arrangements. We would not want to provide any ground for such a contention. So far as effectiveness of Rio Pact is concerned, United States could not alter or impair its provisions for coverage without formal amendment of Pact through treaty process.

END

"Declassified for Publication in
Foreign Relations of the United States"

C-111-1102